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Submissions are due in 101 McGraw Hall by Tuesday, May 23. No exceptions can be made.

Spring 2017 James F. Slevin Assignment Sequence Prize Application

~Please Print Clearly. Do **not** staple. Use paper clips only~

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Department Philosophy Course # and title Phil 1112 Philosophical Conversations: Speech and the Modern Society

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Writing as an Act of Conversing: discussing free speech

Title of Assignment Sequence

Instructor's signature  Date May 23, 2017

Application for the James Slevin Assignment Sequence Prize

Writing as an Act of Conversing: discussing free speech

Phil 1112 - Philosophical Conversations: Speech and the Modern Society

Lucia M. Munguia

Abstract: This assignment sequence includes three essays, various preparation assignments, and in-class activities. Crafted for the development of critical thinking skills, it takes students through a brief history of the philosophical conversation regarding bad speech and the principle of free speech. It begins with writing aimed at understanding the conversation already taking place and the questions at its center. It closes with writing aimed at developing a strong justification for their own contribution to this conversation.

Table of Contents

- I. Rationale for Assignment Sequence
- II. Entering the Conversation
 - a. Essay 1 – Pre-write: the importance of getting the question right
 - b. Essay 1 – On John Stuart Mill’s Big Question
- III. Following the Conversation
 - a. “Who are you Writing For?” (In-Class Exercise on understanding your audience: expectations vs. reality)
 - b. Editing Introductions and Paragraphs (In-Class Exercise on concision, precision, and structure)
 - c. Essay 3 – Features of Speech *beyond* Harm (two stories of moral subordination)
- IV. Furthering the Conversation
 - a. Essay 4 – In-class Debates, Peer Review
 - b. Essay 4 – Topic using tools of your choice on speech of your choice
- V. Assignment Sequence Reflection
- VI. Sample Student Work
- VII. Additional Teaching Materials

I.

Rationale for Assignment Sequence

In this course we engaged in philosophical conversations on issues related to free speech. We discussed many controversial issues: race and gender based hate speech, trigger warnings, pornography, controversial campus speakers, fake news on social media, and speech related to genocide (e.g., genocide denial and speech that inspires violence). I chose this topic because it was timely, relevant to this generation, and central to both my students' and my experiences on a liberal college campus. I wanted to raise a topic that we all have a stake in understanding. This assignment sequence (in combination with two additional essays, lectures, and discussions) took them through a brief history of the philosophical conversation about free speech in liberal societies. I began the semester by reminding students that writing is an act of communication to someone: a contribution to a conversation. This helped set up this writing journey in two stages: writing as a means of understanding a conversation and writing as a means of furthering a conversation. I attempted to instill the skills of the first stage through pre-writes, fillable handouts, and the first two essays which centered on *using writing as a tool for understanding*. The latter stage's skills were developed through the in-class activity on audience, essays 3 and 4, peer reviews, and an in-class debate.

II.

Entering the Conversation through Writing

Rationale

Essays 1 and 2 were aimed at developing strong comprehension skills and practicing *expository writing*. I wanted my students to see writing as a means for understanding what they were reading, and not just this activity that one does at the end of a few weeks. Essay 1 was about *getting the question right* and *explaining the author's answer*. Through his argument in favor of the freedom of thought and expression, John Stuart Mill set the stage for the semester's discussion.¹ He argued that the suppression of speech/expression by an authority was only justified when speech causes *harm*. This claim raises many variables: who are the relevant authorities? What standards determine what is *justified*? What counts as a *harm*? What *type* of harm matters? What counts as *speech*? How *immediate* is this causal relation between the two? The remainder of the course was focused on different ways philosophers have filled in those variables. *Essay* 1 was particularly aimed at their understanding of that stage. Essay 1 included a pre-write to help them orient themselves as writers who are entering a conversation. Essay 2 served as their first chance to go through the stages independently.

¹ John Stewart Mill, (1869), *On Liberty*, London: Longman, Roberts, & Green Co., (<http://www.econlib.org/library/Mill/mlLbty2.html#Chapter%202>)

Pre-write - prompt

**Phil 1112 – Speech and the Modern Society
Spring 2017**

**Pre-write for Essay 1 Assigned 1/30
Due February 8, 2017 (in class)**

Directions

After a second reading of Chapter 2 of John Stuart Mill's *On Liberty*. In 2-3 pages (double spaced, 12 pt. font), answer the following questions spending about 3-4 sentences for each of them:

- a) What is the central question that Mill is addressing in this chapter? b) what are 2 answers he considers?
- c) What is Mill's answer to the central question?*
- d) What are the reasons he has for this answer?
- e) How are the reasons supposed to support his answer?
- d) Do you agree that these reasons justify his answer? Why? Or why not?

*I want to know how you understand the conversation Mill is engaging in. There may be multiple questions he raises and there are multiple reasons he has for the answers he gives, but you are to tell me what the central question is in your own words.

Essay 1

**Phil 1112 – Speech and the Modern Society
Spring 2017**

Essay 1 Prompt

Due February 15, 2017 (in class)

3-4 pages 12pt. font and double spaced

Rationale

This essay is aimed at developing the practice of relying on *expository writing* as a tool for comprehension. The goal is to approach writing as a means to understanding what you are reading: not just this thing you do at the end of a semester. In this essay you are asked to carefully present your understanding of one of Mill's argument and to assess it.

Prompt

In Chapter 2 of *On Liberty*, John Stuart Mill presents two arguments supporting the freedom of thought and expression from government intervention. Pick one argument. Explain the argument in detail (i.e., describe the premises and conclusion of the argument you picked). Finally, you will evaluate this argument.

If you agree with all of the premises of the argument, tell me why you agree with it.

If you do not, pick the premise/s you disagree with and tell me why you disagree with it.

Be sure to include an introduction that succinctly tells your reader what to expect and a conclusion that briefly summarizes what you have done in your paper.

III.

Following the Conversation

Rationale

Essays 3 was an evaluation focused assignment and it was longer than the previous two. At this point in the semester, the students had been reading theories that argue in favor of offense (covered in Essay 2) and *moral subordination* as a basis for speech regulation on liberal college campuses and in American jurisprudence. The arguments and theoretical frameworks discussing moral subordination differ greatly. Students were asked to explain and evaluate one of these arguments. The writing goals for Essay 3 was to write concisely and to write for an audience who has no understanding of the frameworks they were discussing.

In- Class Exercise 1: Know your Audience

“Who are you Writing For?”

For this in-class exercise I handed out 4x6 notecards to each student as they were walking in the class. Once everyone was present, I asked them to reflect on Essay 2 and write in the following:

- Who is your reader?
- What does your reader know about Feinberg (the author Essay 2 discussed)?
- What level or type of vocabulary is your reader comfortable with?

Once they all wrote the answers to these questions down I had them share the responses with the class. Following that, we then discussed the importance of separating me from their imagined reader. We wrote in other answers to these questions on the other side of the note card.

They were instructed to keep the note card and look at it while writing.

They were asked to think about whether they were assuming too much knowledge on the reader’s side and what ways they can write for the reader on the other side of the note card.

In-Class Exercise 2: Editing Introductions and Paragraphs

For this in-class exercise, I printed out strong excerpts of student’s Essay 3 drafts (with permission). I projected them onto the screen and we talked about the quality of the writing and how to improve them. After I led them through a discussion about concision and clarity, I instructed them to spend 10 minutes re-writing two of the paragraphs that we had not covered as a group. Then we shared these with the class. *See Additional Teaching Materials for the projection.*

Essay 3

Phil 1112 – Speech and the Modern Society Spring 2017

Essay 3 Prompt

- Bring your paper topic and a 1-2 page summary of the main argument you are responding to 3/22 (**in class**)
- 3-4 page - Extended Outline Due 3/23 at 5:00pm (**on Blackboard**)
- Final Draft Due Friday 3/31 at 5:00pm (**on Blackboard**)

Double-spaced, 12pt font, 6-8 pages

In class we have discussed *two* arguments in favor of some level of control over hate speech. They are seen in Maitra and McGowan's *On Racist Hate Speech and the Scope of a Free Speech Principle* and Andrew Altman's *Liberalism and Campus Hate Speech: A Philosophical Examination*. You will have a choice between one of the two following prompts.

Prompt 1

Present the main argument found in Maitra and McGowan's *On Racist Hate Speech and the Scope of a Free Speech Principle*. Along your way make sure to explain the technical sense of "speech" that they are relying on and the reasons they think this is the relevant notion of "speech" when considering the principle of free speech.

After presenting their argument, put forth your assessment of it by considering one potential problem for it. Be sure to include some justification (an argument) that supports your problem/worry, and then explain how Maitra and McGowan might respond.

Prompt 2

Present the main argument in Andrew Altman's *Liberalism and Campus Hate Speech: A Philosophical Examination*. Be sure to explain the distinction between psychological harm and the speech-act level wrong that supports his argument.

After presenting Altman's argument, put forth your assessment of it by considering one potential problem for it. Be sure to include some justification (an argument) that supports your problem/worry, and then explain how Altman might respond.

Make sure you include an *introduction* paragraph (that provides me a road map of how your paper will look). Additionally, make sure to include a *conclusion* that summarizes what you have done in the paper.

IV. Furthering the conversation

Rationale

Now that the class had looked at multiple features that theorists have used to argue for and against the regulation of “problematic speech”, Essay 4 asked them to select a theoretical framework and to apply it to a recent, related example. In this way they were asked to further the conversation that we had been thinking about all semester. This essay was intended to expand the basis of their critical reflection by allowing them to formulate *their own argument* in favor of a specific issue related to free speech. It was also aimed to be flexible enough so that the topic might be fun to those who took a great interest in matters of free speech.

Though I narrowed their choices of examples to three, the learning outcome for this essay was intentionally more difficult and abstract. Students were required to look at an on-the-ground example of “problematic speech”, tell their reader how it related to one of the theoretical frameworks we had been studying, and what that framework suggests about regulating such speech.

Since this was a more difficult essay, they were also assigned debates (and teams) and peer assessments (see Additional Teaching Materials). I thought that assigning groups to discuss the same issues that were mentioned in the prompts was a good way to help them focus.

**Phil 1112 – Speech and the Modern Society
Relating your Debates to your Writing**

Maya Angelou mentions the following quote,

“... ‘Easy writing is damn hard reading,’ and vice versa, **easy reading is damn hard writing**”.²

The upcoming debates are verbal presentations of arguments in favor of a conclusion. Since you have a team with members fulfilling varying roles, you can think of your overall debate presentation as a group presentation of a paper. One person is providing the road map or *introduction* to your argument. They will also present a recap or conclusion of the argument to close the debate. One person is presenting the justifying reasons for your conclusion (i.e., your argument), and another is considering an objection! Together you will research your arguments and decide on the best content for each of these components of your debate.

Much like the assigned articles you have been reading and the writing you have been producing, the presentation of this argument must be approached with certain features in mind. The following is only a sample of those, but they are some I find noteworthy.

1. Audience

Your audience is not looking to be dazzled. Unlike audiences of David Copperfield in Las Vegas, they don't like things to appear from nowhere (e.g., no explanation, no justification, no analysis etc.), they don't like to be tricked (e.g., bad reasoning, use of fallacies etc.), they get lost in flashy garments (e.g., big, flashy words), and they succumb to boredom with lots of small talk (i.e., fluff). What are some things your audience *does* expect?

If you are keeping your audience in mind, you can reason to how good writing should look.

a. Concision/Precision

Who is your audience for a) your debate, b) your paper? Are there any constraints on detail for one audience that do not hold for the other? What are those constraints?

b. Detail (building up argument strength)

Consider your overall argument (premises in a single sentence format and conclusion in single sentence). Write it down here in a numbered list.

² She attributes this quote to Alexander Pope. This fact is disputed, but this direct *mentioning* (not use) of the quote is seen in *Conversations With Maya Angelou* (1989).

Now consider a debate audience. What level of detail might you get to in explaining *one* of your premises?

Now imagine you are writing a paper about the same argument. What level of detail might you get to in explaining the same premise?

c. Flash and Fluff

Reconsider one of the sentences expressing a premise above. Let's make it a bad sentence. Re-write that sentence using a thesaurus to add flashy, 10-dollar words. Now re-write that sentence adding a lot of extra words that do not obviously further the content in a substantive way.

Now re-write it more concisely and simply than the original (almost every sentence can be improved).

Essay 4 Prompt and Rationale

- Bring your paper topic and a 4-5 page draft to 4/17 (**bring printed copy to class**)
- Exchange **peer-reviews** in class on 4/19
- Final Draft Due Wednesday 4/26 at 5:00pm (**on Blackboard**)

Double-spaced, 12pt font, 6-8 pages.

Rationale

The connection between the *content* of speech/expression and *what we ought to do about problematic speech/expression* has come up time and time again. Now that you have been exposed to different frameworks that people apply in thinking about problematic language (e.g., the utilitarian framework, the legal framework, the speech act and moral subordination framework, the language game framework), you will be asked one simple question: is content the only thing that we ought to consider when thinking about the problematic effects of speech? Is content *all that matters*? Of course, you have a more specific version of this question to answer in your prompt. :) Have fun.

Prompt

In about 6-8 pages (12pt. font, double spaced) you are asked to do the following:

In class we have raised (and will be discussing) three controversial issues related to *free speech*.

In this essay you are to pick one of these questions and give a philosophical argument in favor of your answer to it. In your argument, you *must* apply one of the frameworks for thinking about problematic speech that we have been read by Langton, Maitra and McGowan, Altman, or Tirrell.

- a. Should professors on elite college campuses use trigger warnings?
- b. Should social media websites remove content that is false or fake news?
- c. Should controversial speakers like Milo Yiannopoulos be given a platform to speak in public & private educational institutions like University of California Berkeley or Cornell?

First, introduce the question you are going to write about. Be sure to briefly explain the following in your introduction or *road map*:

- What is the question you are thinking about?
- What is your answer?

- What are the main assumptions, premises, or reasons you have for that answer?
- What framework will you be applying in thinking about the problematic speech? (i.e., will you be arguing that it has morally subordinating effects? Will you be treating the language at issue as *deeply derogatory*? Etc.)

Second, present your answer to the question and your argument. Please be sure to explain the *line of reasoning or argument* that connects up some of your claims and assumptions with your conclusion. Some things you may want to consider along the way are as follows (you may not write directly about them, but they can help you frame the discussion you are entering):

- What is your answer saying about the *competing considerations* that the question raises?
- What *competing considerations* influenced how you understood the issues arising related to the question?

Third, consider an objection *to your specific argument* that someone can make. What reason might they disagree with? What connection may they reject as holding between your premises and conclusion?

Lastly, give a response to that objection.

V. Reflection

There are so many insights I have gained from teaching my FWS. I will share two components of my assignment sequence that I would not change and one that I would change. A successful component of this assignment sequence is the focus on writing as a tool for *understanding*. This was manifested in the various handouts and prewrites that I assigned to through the course of this sequence. In the beginning of the semester I asked my students how often they wrote and many of them said, “when I have to”. That is the energy and attitude that has surrounding them throughout their education: they don’t have to write until something is due. I made several handouts for the readings that were made up of questions and blank spaces for them to fill in during classroom discussions. I assigned pre-writes for several papers (including three drafts throughout the semester). These exercises did seem to shift their perspective on the usefulness of writing in order to learn.

One thing I am especially proud of was the combination of the *In-Class Debates* with Essay 4. It was a very effective pairing to teach students how to write about one topic for *two different* audiences. They had two weeks to prepare for their debates with team members. They presented their debates (timed) during one week of classes. Concurrently, they were writing their papers and completing peer reviews for those papers. The entire process took about four weeks of the semester. Although research for debates overlapped the previous paper’s due date, research was a group activity so this caused no undue stress or pressure. They all did splendidly. They met up outside of class and they wrote their debate arguments together. When it came time, their collective research was careful and presented so well. The papers and feedback they wrote for one another were extensive and thoughtful. I saw giant strides in their writing quality. I believe the group nature of the In-Class Debates and Prewrites turned writing into a community activity and I am just so happy that each of them achieved the learning outcomes for their papers.

Although I witnessed a genuine shift in how students felt about writing (it became more regular and easier for them to write), I was unsatisfied with the pace of the course. If I were to do this course again, I would select only about four examples of problematic speech and give them more opportunities to discuss them in more detail during class. Given that this is a writing course; we focused a lot of discussion around writing and we sometimes did not get through as much of the philosophical discussion as I would have liked.

Beyond that, I learned so much about writing. I think making research a collaborative effort was an especially fun and engaging way to get the students genuinely excited about writing. I am forever grateful to my students for inspiring me to think of more creative ways to design assignments like these.

VI.
Sample Student Work

Sample Essay 1 Pre-Write

- a) Mill's central question throughout this chapter is about the role of government, or the majority, in silencing expression and thought. He wants readers to consider the negative impacts of suppressing opposing opinions. His argument draws readers towards the conclusion that subduing debate and opposing opinions is incredibly limiting and harmful.
- b) Mill considers that when an opinion is suppressed it becomes impossible to know whether that opinion carried truth. Because humans are incredibly fallible, failing to hear opposing arguments often stifles the ability of the powerful party to achieve truth. While hearing other beliefs often endears the listener to those beliefs, it can also strengthen the preexisting convictions of the listener. Mill argues that by being forced to defend themselves, people are able to strengthen their connection true beliefs and internalize them rather than accept them dogmatically. He does admit that hearing and reacting to opposing beliefs has its space and that individuals must hold their own opinions as true in order to function daily.
- c) Mill firmly believes that no powerful body should seek to silence their opposition because in doing so they risk losing access to the truth and to debate that strengthens the convictions of those came in understanding the truth. Because maintaining open access to truth and a dynamic relationship with the truth maximizes its reach, Mill's utilitarian goals are most closely achieved through maintaining free speech and constant discussion.
- d) Throughout his second chapter Mill engages with examples of how free speech and debate or a lack thereof shaped the world in which he lived. He constantly returns to religious examples and the dangers faced by forward-thinkers who were later revered. Mill believes

that his religious examples will connect most to his opponents and overall uses his entire chapter as a demonstration of his argument in which he presents his argument for debate.

Exploring Christian examples allows Mill to demonstrate not only the dangers of persecuting others, in this case the religion's disciple, but also the dangers of allowing an idea to remain unchallenged and grow uninteresting.

- e) Because Mill presents successful arguments against government suppression of free speech, he is able to support his belief that suppressing minority opinions or closing debate is detrimental. In his argument, discussion allows for the illumination of truth and an active connection to that truth. The reasons are supposed to support Mill's central belief because they demonstrate benefits of free speech and thought.
- f) I do believe from my own experience that constantly engaging and debating with others in a positive and constructive environment has been crucial to shaping my worldview and allowing me to find points where I agree and disagree with the arguments that were presented to me when I was young. I recognize that access to other opinions and beliefs through debate is what allowed me to move away from my mother's political views and form my own opinions. While I recognized the process overtly in my political view, I recognize that it absolutely remains present in other aspects of my life and that discussion has been central to shaping me.

Sample Essay 3

Speech and Modern Society

Essay 3

In *Liberalism and Campus Hate Speech: A Philosophical Examination*, Andrew Altman presents a liberal argument for the regulation of hate speech. He strikes a middle ground between no regulations and sweeping regulations by arguing for regulations based on the moral subordination by hate speech towards members of persecuted groups. He argues that although such regulations violate viewpoint neutrality, they violate it in a much more reasonable manner than do broader regulations based on psychological harm. However, his framework for regulation fails to account for the severity of psychological harm. In this paper I will show how, despite partial flaws, Altman presents a reasonable basis for regulation of hate speech based on the morally subordinating illocutionary effects of such speech, while preserving the liberties of citizens.

Respect for the liberal principle of viewpoint neutrality dissuades Altman from promoting sweeping regulations of hate speech. Following viewpoint neutrality, “those in authority should not be permitted to limit speech on the ground that it expresses a viewpoint that is wrong, evil, or otherwise deficient” (304 Altman). By preserving viewpoint neutrality, liberal societies allow for open expression of ideas, even ideas that contradict and challenge deeply held beliefs of governments and institutions. Under this principle, institutions are free to prohibit harassment, which normally consists of repeated bothersome or threatening actions directed towards others, since restriction of such conduct is not based on the viewpoint it expresses. In contrast, rules against hate speech assume that certain forms of bigotry are morally wrong (304

Altman). Although many people believe racism, sexism, and homophobia to be inherent wrongs, some members of society still uphold them as values. As such, any restrictions placed on hate speech will be partially based on a non-neutral subjective morale viewpoint. Although Altman does allow for some sacrifice of viewpoint neutrality, he argues that sweeping regulations go too far in violating this principle.

Altman then argues that using psychological harm as a basis for hate speech regulation will lead to such undesired sweeping regulations. Initially, he recognizes that hate speech can cause severe fear or distress in targeted individuals by making them feel threatened and outcast. For instance, racist speech towards a minority student on campus could make said student feel ostracized and isolated, leading to depression. However, Altman claims that such mental harm is too broad of a basis for regulation. For example, he considers a scientific or philosophical discussion involving racist, sexist, or homophobic speech. Such a discussion “can surely cause in minorities the harms that are invoked to justify regulation: insecurity, anxiety, isolation, loss of self-confidence, and so on” (306 Altman). But the prohibition of such a conversation would entirely violate the principles of viewpoint neutrality by restricting even intellectual speech on certain topics. As such, sweeping regulations on hate speech based on psychological harm would have severe negative consequences on freedom of expression.

Altman argues that instead of the psychological effects, the illocutionary effects of hate speech should form the basis for regulation. The psychological harm caused by hate speech would be included in the perlocutionary effects of speech. These effects only include the direct effects of the speech itself (309 Altman). In contrast, the illocutionary effects of a speech act are the ways in which the act changes the state of society. For example, the illocutionary effect of a priest marrying a couple would be to change the nature of the couple’s relationship, and the

status of the couple in society. Such illocutionary effects have a more direct societal impact than do perlocutionary effects, and therefore are a better target of regulation. In particular, Altman argues that the illocutionary effect of moral subordination is the best grounds for restriction of hate speech.

Altman claims that derogatory speech can be used to diminish the moral standing of individuals in society. According to the theorist George Lawrence racist speech can do this by constructing “the social reality that constrains the liberty of non-whites because of their race” (309 Altman). For example, when a racist individual tells an African American man he is a “nigger”, the individual not only insults the African American man, but also treats him as an inferior who deserves such an offensive slur. Consequently, the individual’s hate speech has the illocutionary effect of diminishing the African American man’s status in society. This moral subordination is an essential component in determining whether a speech act deserves prohibition.

In particular, Altman argues that speech acts which degrade based on race, gender, and sexual orientation are best targeted by regulations. Such speech acts diminish equality between individuals in society, an essential liberal value. Furthermore, such wrongs “are among the principal wrongs that have prevented—and continue to prevent—Western liberal democracies from living up to their ideals and principles” (312 Altman). For example, in the United States African Americans have endured a history of moral subordination, under institutionalized slavery, and then segregation under Jim Crow laws. In addition, women were treated as second class citizens for most of American history, even lacking the right to vote until the early twentieth century. Finally, homosexuals have largely been persecuted for their sexual orientation, and have faced unfair demeaning restrictions on their private lives. Based on their

history of past and continued legal, political, and moral oppression, these groups deserve special protection from further subordination in the form of hate speech. Such regulation would help prevent society from regressing to a more unequal state. However, in order to enact any restrictions on such hate speech, institutions must to some extent violate viewpoint neutrality.

Altman allows for such exceptions within a liberal framework as long as the liberal principles on which viewpoint neutrality is based remain preserved. The first of these principles is Mill's argument that all ideas and opinions have the potential to benefit individuals and society, and therefore unpopular expression should not be silenced (312 Altman). The second principle is derived from Madison's ideas, and states that institutions may abuse any power they are given to restrict speech, silencing viewpoints that oppose them (312 Altman). Finally the third principle is that a restriction of free speech will set a dangerous precedent, allowing increasing future restrictions (312 Altman). Whether hate speech regulations are grounded in such principles depends on the specific structure of said regulations. As such it is vital to examine Altman's framework for regulating hate speech to judge how it accommodates such concerns.

This framework describes hate speech as meeting three important criteria. Firstly, the speech must use "slurs and epithets conventionally used to subordinate persons on account of their race, gender, religion, ethnicity, or sexual preference" (313 Altman). Secondly, it must be directed towards specific individuals. Thirdly, the perpetrator of the speech act must have intentions to degrade the victim based on race, sex, sexual orientation, or religion (313 Altman). Altman believes hate speech should be restricted if and only if it meets all these criteria.

The first two criteria help restrict many forms of hate speech within certain bounds, avoiding sweeping regulation. Although some forms of derogatory hate speech may not fulfill

these criteria, broadening the criteria may lead to excessive regulation. For example, if speech not targeted at specific individuals was restricted, then overheard private conversations with possibly derogatory speech could be regulated, violating rights to free speech and privacy. Furthermore, in their narrower form, these criteria successfully restrict the most derogatory forms of hate speech. For instance, to be morally subordinating, most hate speech must single out certain individuals to demean. Racist remarks uttered at no specific target may prove offensive, but will usually fail to lower any specific individual's social standing. In addition, Altman argues that calling a homosexual man a "faggot" is more powerful than simply insulting him for being homosexual because although both "utterances can treat the homosexual as a moral subordinate... the former accomplishes it much more powerfully than the latter" (311 Altman). Such a homophobic slur is associated with a history of oppression and therefore carries more substantial weight than an ordinary insult or remark. However, fulfillment of these two criteria alone does not justify regulation of hate speech.

The intent principle helps to exclude forms of innocent, yet possibly demeaning speech. Many derogatory terms can be used either by those who do not fully understand their power, or by those who use them in a non-subordinating way. For example, some minority groups use slurs previously intended to demean them, and by doing so alter their meaning. For instance, "homosexuals have done this with the term 'queer', seeking to turn it into a term of pride rather than one of subordination" (311 Altman). In this way, slurs and epithets can be morally uplifting, and have the effect of raising the status of previously oppressed individuals in society. Ultimately, after examining Altman's criteria for hate speech, one must judge how well they preserve liberal concerns underlying viewpoint neutrality.

Due to its narrow specifications for the restriction of hate speech, Altman argues his framework will not limit free expression of ideas. Although it does restrict certain means of expression, it does not prohibit expression of any particular ideas (315 Altman). For example, Altman's framework would restrict individuals from using derogatory slurs to demean and insult members of specific groups. However, it would still allow for people to "make racist, sexist, and homophobic assertions and arguments and to learn of the deficiencies of their views from the counterassertions and counterarguments of others" (315 Altman). People will still be able to share controversial ideas, and through sharing make progress towards greater truth and knowledge. In this way, his framework preserves the societal benefits Mill argues to be bestowed by free speech. Similarly, the narrow rules of his framework limit its abuse by authorities.

Altman claims that his rules regarding hate speech pose no more of a threat to abuse than any other rules enforced by authorities. Some would argue that any restrictions on hate speech are subject to subjective and unequal enforcement. For example, "Nadine Strossen... claims that the hate-speech regulations at the University of Michigan have been applied in a biased manner, punishing the racist and homophobic speech of blacks but not of whites" (315 Altman). Although this claim may be true, the issue does not lie with the hate-speech regulations but instead with the general enforcement of rules. If enforcers of rules are biased, then regardless of the wording of said rules, they will be enforced unfairly. As such, Altman's hate speech regulations do not directly enable abusive enforcement.

Furthermore, the narrow limits to Altman's framework prevent it from setting unwanted precedents. Some fear that any regulations on hate speech will enable future institutions in restricting unwanted forms of speech and expression (317 Altman). However, Altman's

framework is too specific and limited to serve as a precedent for most forms of sweeping regulation. For example, it would be hard to restrict socialist expression as a form of racism based on “regulations that allow the expression of racist opinions as long as they are not couched in slurs and epithets directed at specific individuals” (317 Altman). Because Altman’s framework is liberal in its allowance of most forms of hate speech, it fails to set precedents for overly restrictive agendas. His regulations are effective in limiting the potential for excessive future application.

However, one serious flaw with Altman’s framework is its failure to restrict hate speech based on psychological harm. Although Altman makes some exceptions to viewpoint neutrality, he refuses to make such exceptions to regulate speech on the grounds of psychological harm. I believe Altman is wrong in this regard, since psychological harm can be incredibly significant and warrants intervention. In fact, mental harm from hate speech can have downstream effects in society that lead to further subordination and suppression of members of marginalized groups. For example, threatening and insulting language towards a gay student on a college campus could make him feel isolated. Such feelings of isolation could lead to severe depression and anxiety, which would distract him from his work and cripple his motivation. Burdened by psychological harms of hate speech, this student would fail to reach his full potential in school and possibly later in life. Similarly, members of minorities and other marginalized groups may fail to find the success they deserve due to the oppression caused by hate speech. This will lead to inequality in society, violating basic liberal principles. As such, it is worth it to sacrifice some viewpoint neutrality to prevent the most psychologically damaging forms of hate speech, including threats and bigoted insults.

Altman may respond to such an argument by stating his framework upholds the concerns underlying viewpoint neutrality, while regulation based on psychological harm may violate the key concern of preservation of free expression. He argues that such regulation will lead to “regulation of racist, sexist, or homophobic speech couched in a scientific, religious, philosophical, or political mode of discourse” (307 Altman). Therefore, such restrictions would limit free expression of ideas in society. However, I would disagree with such a claim. Finely tuned rules regarding the harm of hate speech could target the most damaging forms of speech while still allowing free expression of opinion. For example, regulations could target only speech directed in an aggressive manner, exempting civil debates and discussions from restriction. As such, even the most bigoted opinions could still be shared as long as they are presented in a peaceful manner. Consequently, rules preventing psychologically damaging speech could still accommodate freedom of expression.

Ultimately, Altman creates a reasonable liberal framework for the regulation of hate speech based on moral subordination by speech act wrongs. Although his argument contains some flaws, including its exemption of psychological harm as a deciding factor, it mostly preserves liberal concerns while regulating some of the most damaging forms of hate speech. As such, his framework may help leaders of modern college campuses, who struggle to protect their students from hate speech without sacrificing the free expression essential to such students’ education.

Works Cited

Altman, Andrew. “Liberalism and Campus Hate Speech: A Philosophical Examination.” *Ethics* 103.2 (1993): 302-17. Web.

Sample
Peer Review 1

1. In 2-3 sentences summarize the writer's main point and argument?

The main point is that college campuses should not restrict speakers because of the expected content of their speeches. The argument follows that there is no objective standard for regulating speeches and that applying no standard is preferable to a biased one. The argument continues that there are no direct harms from speeches given by public speakers of college campuses.

2. Find the author's thesis statement and circle it.

Completed digitally.

3. Find the author's main argument and draw a vertical line alongside it.

Completed digitally.

4. List some assumptions/premises they use in their argument, write the page number where you find them, and underline them:

Only illocutionary effects of speech serve as a basis for regulation of speech. (p1)

Because of the nature of student populations, speakers are unlikely to illicit morally subordinating effects with their speeches on college campuses (p2)

Restricting speaking rights violates viewpoint neutrality (p3)

Is their argument/conclusion supported well by their reasons and arguments?

I think that too much credit is given to counterarguments throughout the paper which makes it difficult to track with the intended argument

5. How can the writer make this argument more effective and persuasive?

Wait to explore counterarguments until the argument being made in the essay is fully fleshed out.

6. Find two sentences that are unclear to you or could be made stronger by re-writing. Rewrite them here:

"In contrast, if the speaker wasn't allowed to come in the first place, the students may remain in an isolated bubble, unaware of the reality around them."

In contrast, if students were not exposed to the controversial speaker, they may not fully realize the motivations for the opposing view.

“However, even if much of the campus is liberal and pro-choice, there will still be some pro-life students whose viewpoints will have been silenced”

If a university administration chooses to take a political stand on an issue such as abortion, by curating the speeches made on campus, they silence the views of students who do not agree with the administration.

7. Pick two paragraphs in the body of the paper which you think could be improved. Perform the MEAL Plan check. Do these paragraphs have only one main point, is there evidence (in the form of a quote, example, intuition or argument) presented for that main point, is the way this evidence supports the main point explained in the analysis? And is there a lead out?

1st body paragraph: I think the topic sentence could be more debatable. The use of the first two pieces of evidence was good. I liked the way that they were introduced and the flow was nice, but I think that the analysis of the direct quote felt rushed and incomplete. I think that the lead out didn't flow easily from the analysis but it flows nicely into the next body paragraph.

4th body paragraph: I like the topic sentence's content but it isn't in the active voice. Nice lead into the evidence but again active voice is an issue. I like the example and accompanying analysis, but it could be more strongly worded to be more impactful. Nice lead out.

8. Are citations used where they should be (either footnotes, or in-text citations etc.)?

Correct in text citations but no works cited

9. What was the strongest part of the essay?

I really liked the intro because I felt like it gave very clear direction for the essay.

VII. Additional Teaching Materials

Handout on Examples from Class for Essay 3

**Phil 1112 – Speech and the Modern Society
Spring 2017**

Examples from Class

These are some strong examples that still need improvement.

Introductions

In *On Racist Hate Speech and the Scope of a Free Speech Principle*, Maitra and McGowan question which actions and expressions ought to be covered by the free speech principle enshrined in the First Amendment¹. Using the condition that Significant Obligation Enacting speech does not merit First Amendment coverage, Maitra and McGowan argue that if critical race theorists are correct about the effects of hate speech, then the hate speech should not be covered by the First Amendment. In this paper, I will present their argument and argue that silencing speech is not the only way to prevent the detrimental effects of hate speech.

Ishani Maitra and Mary Kate McGowan's "On Racist Hate Speech and the Scope of a Free Speech Principle" asks what actions and/or expressions ought to be covered by the First Amendment? They argue that if the critical race theorists are correct about the effects of hate speech, then hate speech should not be covered by the First Amendment. Their argument follows from an account of significant obligation enacting speech. In this paper I will present their account of significant obligation enacting speech and the argument that hate speech should not be covered by the First Amendment. I will then raise an objection that _____.

In "Liberalism and Campus Hate Speech", Andrew Altman argues in favor of campus hate speech regulations aimed at preventing moral subordination. Altman's goal is to balance the liberal commitment to free speech and value-neutrality against the liberal interest in equal moral regard for all citizens. In this paper, I present Altman's argument that hate-speech produces a speech-act wrong that we are liberally justified in preventing. I then argue that, while the liberal value of free

speech is central to our democratic society. Giving too much credit to racist, homophobic, and sexist beliefs for Millian reasons places an undue burden on our most vulnerable citizens.

Body Paragraphs

Altman then argues that using psychological harm as a basis for hate speech regulation will lead to such undesired sweeping regulations. Initially, he recognizes that hate speech can cause severe fear or distress in targeted individuals by making them feel threatened and outcast. For instance, racist speech towards a minority student on campus could make said student feel ostracized and isolated, leading to depression. However, Altman claims that such mental harm is too broad of a basis for regulation. For example, he considers a scientific or philosophical discussion involving racist, sexist, or homophobic speech. Such a discussion “can surely cause in minorities the harms that are invoked to justify regulation: insecurity, anxiety, isolation, loss of self-confidence, and so on” (306 Altman). But the prohibition of such a conversation would entirely violate the principles of viewpoint neutrality by restricting even intellectual speech on certain topics. As such, sweeping regulations on hate speech based on psychological harm would have severe negative consequences on freedom of expression.

This difference of coverage is important because actions that are covered by the principle of free speech require a higher standard of justification to warrant their regulation than in comparison to actions that are not covered. If speech is uncovered, it must meet rational basis review. Under rational basis review, a regulator only needs to establish “that first, the state has a legitimate interest in regulating what it proposes to regulate, and second, the regulation bears a rational relation to that interest.” In contrast, actions covered by the free speech principle are must meet the standard of strict scrutiny, or that the state must demonstrate a compelling reason to regulate the speech and they must be able to do so in a specific enough way that it will only regulate that particular type of speech. Expanding from this, Maitra and McGowan analyze why only certain types of speech is covered by the principle of free speech and the commonalities between uncovered speech.

Maitra and McGowan explore what actions are covered by the existing legal framework. They recognize that a broad question about what actions should be covered by the ideal free expression principle exists, but that they are not able to respond to such a question. Rather than provide a condition for coverage under the First Amendment, Maitra and McGowan instead find a condition for “non-coverage”². The condition proposed is that “if an utterance enacts a change in significant obligations” it does not merit First Amendment protection³. The authors highlight that not all obligations are equal in weight and can be conflicting. For example, the moral obligation of helping someone who has fallen may outweigh the social obligation to arrive at a destination in a timely fashion. The authors also engage with obligations to behave immorally. Using the example of Nazi soldiers, Maitra and McGowan argue that they are under legal obligation to perform immoral work duties. Based on Maitra and McGowan’s argument, obligations to behave immorally should not be protected under the First Amendment. Maitra and McGowan argue that actions that invoke any significant form of obligation do not merit coverage under the First Amendment.

Lead Outs

The examples of this point can be discovered on almost every college campus, as many racist, sexist and homophobic speeches revoked large-scale protests and even violent accidents among not only the targeted groups, but also the general student body.

Although he acknowledges the serious impact of this psychological harm, however, he doesn't believe that psychological harm is a sufficient reason to justify the sweeping regulations...

As such, sweeping regulations on hate speech based on psychological harm would have severe negative consequences on freedom of expression.

Altman argues that instead of the psychological effects, the illocutionary effects of hate speech should form the basis for regulation.

Whether hate speech regulations are grounded in such principles depends on the specific structure of said regulations. As such it is vital to examine Altman's framework for regulating hate speech to judge how it accommodates such concerns.

This framework describes hate speech as meeting three important criteria. Firstly, the speech must use "slurs and epithets conventionally used to subordinate persons on account of their race, gender, religion, ethnicity, or sexual preference" (313 Altman). Secondly, it must be directed towards specific individuals. Thirdly, the perpetrator of the speech act must have intentions to degrade the victim based on race, sex, sexual orientation, or religion (313 Altman).

Essay 4 – Peer Review

Phil 1112 – Speech and the Modern Society

Spring 2017

Peer Review Rationale and Questions

Essay 4 is tricky, but it is a topic you can have fun with while gaining some core writing skills. One of those skills is to learn how to articulate your assessment of a piece of writing and another is to get through some writing pitfalls effectively. These are the purpose of the peer reviews.

1. In 2-3 sentences summarize the writer's main point and argument?
2. Find the author's thesis statement and circle it.
3. Find the author's main argument and draw a vertical line alongside it.
4. List some assumptions/premises they use in their argument, write the page number where you find them, and underline them:
5. Is their argument/conclusion supported well by their reasons and arguments?

6. How can the writer make this argument more effective and persuasive?
7. Find two sentences that are unclear to you or could be made stronger by re-writing. Rewrite them here:
8. Pick two paragraphs in the body of the paper which you think could be improved. Perform the MEAL Plan check. Do these paragraphs have only *one main point*, is there evidence (in the form of a quote, example, intuition or argument) presented for that main point, is the way this evidence supports the main point explained in the *analysis*? And is there a lead out?
9. Are citations used where they should be (either footnotes, or in-text citations etc.)?
10. What was the strongest part of the essay?